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7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2013-855**

13 **RENEE SUZANNE CARRILLO**
14092 Reservation Road
15 Salinas, CA 93908

ACCUSATION

16 **Registered Nursing License No. 738376**

Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about October 15, 2008, the Board of Registered Nursing issued Registered
23 Nursing License Number 738376 to Renee Suzanne Carrillo (Respondent). The Registered
24 Nursing License was in full force and effect at all times relevant to the charges brought herein and
25 will expire on April 30, 2014, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Registered Nursing (Board),
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
3 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
4 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
5 Nursing Practice Act.

6 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
7 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
8 licensee or to render a decision imposing discipline on the license.

9 6. Section 118, subdivision (b), of the Code provides that the expiration of a license
10 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
11 within which the license may be renewed, restored, reissued or reinstated.

12 RELEVANT STATUTES AND REGULATIONS

13 7. Section 2761 of the Code states:

14 "The board may take disciplinary action against a certified or licensed nurse or deny an
15 application for a certificate or license for any of the following:

16 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

17 ...

18 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
19 functions, and duties of a registered nurse, in which event the record of the conviction shall be
20 conclusive evidence thereof.

21 ..."

22 8. Section 2762 of the Code states:

23 "In addition to other acts constituting unprofessional conduct within the meaning of this
24 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
25 chapter to do any of the following:

26 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
27 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
28 administer to another, any controlled substance as defined in Division 10 (commencing with

1 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
2 defined in Section 4022.

3 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
4 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
5 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
6 himself or herself, any other person, or the public or to the extent that such use impairs his or her
7 ability to conduct with safety to the public the practice authorized by his or her license.

8 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
9 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
10 or the possession of, or falsification of a record pertaining to, the substances described in
11 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
12 thereof.

13 "(d) Be committed or confined by a court of competent jurisdiction for intemperate use of
14 or addiction to the use of any of the substances described in subdivisions (a) and (b) of this
15 section, in which event the court order of commitment or confinement is prima facie evidence of
16 such commitment or confinement.

17 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any
18 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this
19 section."

20 9. Section 490 of the Code provides, in pertinent part, that a board may suspend or
21 revoke a license on the ground that the licensee has been convicted of a crime substantially
22 related to the qualifications, functions, or duties of the business or profession for which the
23 license was issued.

24 10. California Code of Regulations, title 16, section 1444, states:

25 "A conviction or act shall be considered to be substantially related to the qualifications,
26 functions or duties of a registered nurse if to a substantial degree it evidences the present or
27 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
28 safety, or welfare. Such convictions or acts shall include but not be limited to the following:

1 “(a) Assaultive or abusive conduct including, but not limited to, those violations listed in
2 subdivision (d) of Penal Code Section 11160.

3 “(b) Failure to comply with any mandatory reporting requirements.

4 “(c) Theft, dishonesty, fraud, or deceit.

5 “(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the
6 Penal Code.”

7 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
8 administrative law judge to direct a licentiate found to have committed a violation or violations of
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
10 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
11 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
12 included in a stipulated settlement.

13 FIRST CAUSE FOR DISCIPLINE

14 (CRIMINAL CONVICTION)

15 12. Respondent is subject to discipline under sections 2761(f), 2762(c), and/or 490 in that
16 on or about February 29, 2012, in a criminal proceeding entitled *People v. Renee Suzanne*
17 *Carrillo*, in the Superior Court of California, County of Monterey, Case Number MS290751A,
18 Respondent was convicted by her plea of no contest of violating Vehicle Code section 23152(b)
19 (driving with .08% or more blood alcohol) a misdemeanor. Respondent was sentenced to serve
20 ten days in jail, placed on court probation for five years and fined in the amount of \$1,194.00.
21 The circumstances are as follows: On or about August 7, 2010, Respondent was involved in a
22 collision with another vehicle when she tried to pass a slow-moving truck on Reservation Road in
23 Salinas, California. Respondent's vehicle collided with the truck. Respondent failed field
24 sobriety tests and her blood alcohol content was .24%.

25 SECOND CAUSE FOR DISCIPLINE

26 (USING ALCOHOL IN A MANNER DANGEROUS TO SELF OR OTHERS)

27 13. Respondent is subject to discipline under sections 2761(a) and 2762(b), in that she
28 used alcohol in a manner dangerous to herself or others, as alleged above in paragraph 12.

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